

**GPZ-1-2009****Dan Northrup and Kelly Jensen****5221 West 3500 South****General Plan change from residential office to neighborhood commercial****Zone Change from RB to C-1****0.66 Acres**

Dan Northrup and Kelly Jensen have submitted a General Plan/zone change application for a 0.66 acre parcel located at 5221 West 3500 South. The property is currently zoned RB (residential business) with a General Plan designation of residential office. The proposed zone is C-1 (neighborhood commercial) and the proposed General Plan designation is neighborhood commercial.

Surrounding zones include R-1-8 (single family residential, minimum lot size 8,000 square feet) to the west and south; RB to the east; and C-1, R-1-8, and RB to the north. Surrounding land uses include single family homes to the west and south, a single family home that is being converted to an insurance office to the east, and a veterinarian hospital and single family homes to the north.

The subject property was rezoned from R-1-8 to RB in 2002. The concept plan for the property at that time included two office buildings totaling 4,200 square feet. Two Board of Adjustment cases were approved for this property in 2006. The first was a variance to allow the proposed new building to be built right on the south property line. The second was for a modification of a non-conforming use. The approved request was to demolish the existing safety inspections and emissions building, which was non-conforming, and rebuild it as part of new building that would also include office uses.

Attached to this report is a letter from the applicants stating why they believe this application should be approved. Rezoning the property would grant the applicants more tenant options for possible leases.

For means of comparison, the following table lists the permitted, conditional, and prohibited uses for the RB and C-1 Zones. Uses that are highlighted are ones that are not allowed under the RB Zone but are allowed under the C-1 Zone.

<b>Use</b>	<b>RB Zone</b>	<b>C-1 Zone</b>
Commercial indoor recreation	Prohibited	Conditional
Community uses	Permitted	Permitted
Convenience stores	Prohibited	Conditional
Day/care/pre-school centers	Conditional	Permitted
Financial institutions	Permitted	Permitted
Greenhouses; garden supplies	Prohibited	Conditional
Hospitals	Conditional	Prohibited
Household pets	Permitted	Prohibited
Medical clinics	Conditional	Permitted
Neighborhood grocery	Prohibited	Permitted
Neighborhood service establishment	Prohibited	Permitted
Nursing homes	Permitted	Conditional
Permanent cosmetic establishments	Prohibited	Conditional
Planned unit developments	Conditional	Prohibited
Professional offices	Permitted	Permitted
Public utility installations	Conditional	Conditional
Reception centers	Conditional	Prohibited
Residential facilities for elderly persons	Permitted	Prohibited

Restaurants	Prohibited	Conditional
Retail stores	Prohibited	Conditional
Sale/storage of fuel	Prohibited	Conditional
Shopping centers	Prohibited	Conditional
Signs	Permitted	Permitted
Single family dwellings	Permitted	Prohibited
Supermarket	Prohibited	Conditional
Temporary uses	Permitted	Permitted
Veterinary hospitals/indoor kennels	Prohibited	Conditional

Generally speaking, the RB Zone is geared toward residential and non-retail commercial with banking type hours. The C-1 Zone prohibits residential use and allows retail commercial where hours can extend beyond banking hours.

The General Plan recommends that retail uses for the west portion of 3500 South be centered around major intersections like 5600 West, 6400 West, and 7200 West. Between 5000 West and 5450 West along 3500 South, the General Plan specifically states: “office and medium density residential between 2 to 3 stories in height.”

This situation is somewhat unique from most rezone applications in that the property is already developed. Hence, the primary issue really is whether or not the additional allowed uses and longer hours are appropriate at this location.

The following is a list of items to consider when reviewing this application:

- The property is located on the corner of a signalized intersection.
- Building Code requires a second exit for any business with more than 50 people. Since there are no exits on the rear of the building, the Building Code will prohibit uses with over 50 people.
- The property is already developed in a strip mall type configuration.
- Given the layout of the property and the amount of parking provided, uses like restaurants or gas sales aren't likely without the property redeveloping.
- With the neighboring residential uses, the later hours allowed in the C-1 Zone could be problem.

#### **Staff Alternatives:**

1. Approval of the General Plan/zone change.
2. Continuance, for reasons determined during the public hearing.
3. Denial, office uses are more appropriate at this location.

#### **Applicant:**

Dan Northrup and Kelly Jensen  
13579 Ivy Manor Lane  
Draper, UT 84020

**Discussion:** Steve Pastorik presented the application. Jack Matheson asked if any complaints have been made by residents in reference to the emissions building. Steve replied that he is unaware of any problems reported by neighbors. Phil Conder asked how late something could potentially be open in the ‘C-1’ zone. Steve replied that there is no limit to closing times and

something could possibly stay open 24 hours. Commissioner Conder stated that the 'RB' zone was intended as a buffer to the neighboring residential properties. He expressed concern allowing a 'C-1' zone with a more intensive use to be permitted so close to residents. Mary Jayne Davis added that it would be helpful if the Planning Commission knew the type of business that would go into the building.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

**Motion:** Commissioner Fuller moved for denial and encouraged the applicant to return with potential tenants.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous -GPZ-1-2009– Denied**